

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIMMIE MECCYA WILLIAMS,

Plaintiff,

against-

TADD LAZARUS and
ST CLARE'S HOSPITAL AND HEALTH CENTER,

Defendant.

Hon. HAROLD BAER, JR., District Judge:

WHEREAS, on June 27, 2005, Plaintiff, Jimmie Meccya Williams, filed a Complaint alleging a violation of 42 U.S.C. § 1983 (Dckt. 1); and,

WHEREAS, in Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997) and Wright v. Lewis, 76 F.3d 57, 59 (2d Cir. 1996), the Second Circuit determined that a district court has a duty to assist *pro se* plaintiffs facilitate service on defendants; and,

WHEREAS, in Ellis v. Guarino, No. 03 Civ. 6562, 2004 WL 1879834, at *14 (S.D.N.Y. Aug. 24, 2004), a district court explained that “a *pro se* litigant is entitled to assistance from the district court in effectuating service on a defendant” and, therefore, directed the New York State Attorney General’s Office to assist the United States Marshals Service in its attempts to locate and effectuate proper service upon certain defendants; it is hereby

ORDERED that the Clerk of the Court cause the United States Marshals to serve a copy without payment of fees of the (1) Summons, (2) Complaint, and (3) this Amended Order, upon the Paul Chodkowski, President and Chief Executive Officer, St. Clare's Hospital & Health Center, 415 West 51st, New York, NY 10019; and, it is further

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05 Civ. 5909 (HB)

AMENDED ORDER

ORDERED that the Clerk of the Court cause the United States Marshals to serve a copy without payment of fees of the (1) Summons, (2) Complaint, and (3) this Amended Order, upon the Dr. Tadd Lazarus, St. Clare's Hospital & Health Center, 415 West 51st, New York, NY 10019; and, it is further

ORDERED that both Paul Chodkowski and Dr. Tadd Lazarus, within 30 days of this Amended Order, report in writing to the Plaintiff and this Court whether or not service has been consummated through the United States Marshals Service or otherwise and, if not, why; and, it is further

ORDERED that Plaintiff's time for serving these Defendants is hereby extended until Paul Chodkowski and Dr. Tadd Lazarus informs the Court and Plaintiff either that Defendants' whereabouts are unknown and cannot be located although every reasonable effort was implemented to make an identification and complete service, or that service was accepted on their behalf.

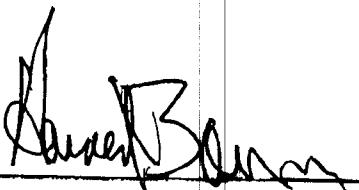
ORDERED that the Clerk of the Court send a copy of this Amended Order by certified mail to the Plaintiff, Jimmie Meccya Williams, P.O Box 1, Huttonsville, West Virginia, 26273; and, it is further

ORDERED that Defendants appear for a pretrial conference on September 29, 2005 in Chambers.

IT IS SO ORDERED.

New York, New York

August 25, 2005



U.S.D.J.